

LANGER GROGAN & DIVER P.C.

HOWARD LANGER  
JOHN J. GROGAN\*  
EDWARD A. DIVER  
IRV ACKELSBURG  
PETER LECKMAN†

JUDAH LABOVITZ  
OF COUNSEL

EDWARD A. DIVER  
DIRECT DIAL (215) 320-5663  
ndiver@langergrogan.com

ATTORNEYS AT LAW  
1717 ARCH STREET  
SUITE 4130  
PHILADELPHIA, PA 19103  
PHONE: 215-320-5660  
FAX: 215-320-5703

GEOFFREY C. HAZARD, JR.††  
OF COUNSEL  
2263 CALIFORNIA STREET  
SAN FRANCISCO, CA 94115  
415-292-6535  
ghazard@langergrogan.com

\*ALSO ADMITTED IN NEW JERSEY  
†ALSO ADMITTED IN CALIFORNIA  
††ADMITTED IN CALIFORNIA ONLY

January 1, 2014

**Via Fax (212)805-7920**

Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, New York, NY 10007

Re: *Laumann, et al. v. National Hockey League, et al.*, 12-cv-1817 (SAS)  
*Garber, et al. v. Office of the Commissioner of Baseball, et al.*, 12-cv-3704 (SAS)

Dear Judge Scheindlin:

We represent the Plaintiffs in these actions and are writing to request a brief extension to the current schedule so that certain discovery can be incorporated into the parties' initial expert reports and summary judgment motions. The expert reports are currently due on January 10, 2014. Plaintiffs request that the initial expert reports be due three days after the conclusion of the deposition of the owner of the Boston Red Sox, John Henry, which the District Court of Massachusetts recently ordered over Mr. Henry's objection. *See Garber, et al. v. Office of the Commissioner of Baseball*, No. 13-mc-91264-PBS, (D. Ma. December 20, 2013). The briefing schedule for summary judgment would be adjusted accordingly, but the time periods between events would remain as presently set.

This change will not cause a lengthy delay to the current schedule. Plaintiffs have proposed January 30 as the date of Mr. Henry's deposition (allowing time for the Red Sox to produce the required documents and a short time for Plaintiffs' counsel to review them), but, due to the holidays, have not yet received confirmation from Mr. Henry's counsel.

This is the first request to extend this deadline. The defendants in both matters do not oppose this request so long as the deposition of Mr. Henry takes place on January 30 or within a short, reasonable time thereafter. Plaintiffs are committed to moving forward as quickly as possible, but cannot provide a date certain until Mr. Henry's counsel is able to respond.

There is good cause for this extension. In addition to the reasons discussed above, although all parties acted in good faith, certain discovery was completed after the discovery deadline and limited discovery remains outstanding. This delay was primarily due to the need to accommodate lawyer and witness schedules. Because of this, the six weeks built into the existing schedule between the close of fact discovery and the service of the initial expert reports will effectively have been eliminated absent an extension.

Honorable Shira A. Scheindlin

January 1, 2014

Page 2

Although discovery continued after November 29, Plaintiffs were hopeful that the current schedule could otherwise remain in place. Given the timing of the recent order from the District of Massachusetts, that is now impossible. In order to minimize the delay and yet give the parties and their experts time to consider this new evidence, Plaintiffs respectfully request that the Court enter the enclosed Proposed Revised Scheduling Order in the *Garber* and *Laumann* actions.

Sincerely,



Edward A. Diver

EAD/gg

cc: Counsel of record (via ECF)